

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

CAROLYN JOHNSON,

Plaintiff,

v.

No. 07-2227-B

INTERSTATE BRAND CORPORATION,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION TO REMAND AS MOOT

The Plaintiff, Carolyn Johnson, brought this action against her former employer, Interstate Brand Corporation ("Interstate"), claiming that the company discriminated against her on the basis of age in violation of section 4-21-101 of the Tennessee Code when it terminated her employment. (Compl. ¶ 29.) Pending before this Court is the Plaintiff's Motion to Remand, which was filed on April 18, 2007. (Doc. No. 5.) In her Motion to Remand, the Plaintiff argued that this Court does not have jurisdiction because the amount in controversy does not exceed \$75,000. (*Id.* at 3); *see* 28 U.S.C. § 1332(a) (a threshold question for diversity jurisdiction in federal court is whether the claim exceeds \$75,000). On July 17, 2007, however, the Plaintiff filed an Amended Complaint against the Defendant, charging that Interstate violated not only Tennessee law, but federal law as well.¹ (Am. Compl. ¶¶ 39-46.) Furthermore, the Amended Complaint asserts that this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and § 1343. (*Id.* ¶ 1.) Thus, because there is no longer any doubt as to whether this Court has jurisdiction over the Plaintiff's claims, the

¹ Specifically, the Plaintiff charges that the Defendant violated Title VII of the Civil Rights Act of 1964.

pending Motion to Remand is hereby DENIED as moot. See 28 U.S.C. § 1331 (Federal courts have original jurisdiction over civil actions arising under the laws of the United States).

IT IS SO ORDERED this 4th day of October, 2007.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE